

8 July 2014

**TO:**Chief Administrator  
Independent Police Review Authority**FROM:**

Inv. Grace Wilson, #110

**SUBJECT:**

U# 12-12, Log #1052843

**REFERENCE:**

RD# HV214658 - Aggravated Assault to Peace Officer

**OFFICER****INVOLVED#1:**

DAHL, Joseph; Chicago Police Officer; star #13583; Unit 010; White male; employee # [REDACTED]; DOB [REDACTED] DOA: 13 September 1999; on-duty; Beat 1046; in uniform.

**OFFICER #1'S****INJURIES:**

Unspecified "minor injury"

**OFFICER #1'S****WEAPON:**

Beretta Model 92D; 9mm; semi-automatic; blue steel finish; Serial # [REDACTED]; City Registration # 624197; FOID # [REDACTED]; (9) live rounds recovered from fire arm. Police Department-issued ammunition; cartridge capacity of weapon- 15 plus one (16). Fired (7) times.

**OFFICER****INVOLVED#2:**

ALESIA, Michael; Chicago Police Officer; star # 18480; Unit 010; white male; employee # [REDACTED]; DOB: [REDACTED]; DOA: 02 December 2002; on-duty; Beat 1046; in uniform.

**OFFICER #2'S****INJURIES:**

None reported.

**OFFICER #2'S****WEAPON:**

Sig Arms Model P226; 9mm; semi-automatic; blue steel finish; Serial # [REDACTED]; City Registration #631892; FOID # [REDACTED]; (13) live rounds recovered from firearm. Police Department-issued ammunition; Cartridge capacity of weapon- 15 plus one (16). Fired (3) times.

**SUBJECT:**

[REDACTED] black male; DOB: [REDACTED] Address: [REDACTED] S. Kostner (prior address from Criminal History Report: [REDACTED] W. Jarvis, as of 16 November 2011).

**SUBJECT'S****INJURIES:** Multiple gunshot wounds; dead on scene.**SUBJECT'S****WEAPON:** Astra Firecat, .25-cal. semi-automatic pistol; with the serial number defaced.**INITIAL****INCIDENT:** Reported Theft**DATE/TIME****OF INCIDENT:** 25 March 2012, approximately 2351 hours**LOCATION:** [REDACTED] S. Kostner**SUMMARY OF INCIDENT:**

On 25 March 2012, at approximately 2351 hours, Beat 1012, Police Officers Dahl and Alesia, responded to a call of theft in progress at the rear of an abandoned building at [REDACTED] S Kostner. The officers drove to the alley, and once they exited the squad car, they observed that the rear entrance to the building was partly covered with a board, which had been pulled away. The officers entered and searched the building but found no one. The officers walked down the rear stairs to exit the building. Officer Alesia exited first to respond to a phone call/text. As Officer Dahl reached the bottom of the stairs, he observed what appeared to be a computer bag on the floor. Officer Dahl opened the bag and saw what appeared to be a Police Department PDT computer. Officer Dahl then observed the subject, [REDACTED] inside the rear entrance area. Mr. [REDACTED] was holding a flashlight. Officer Dahl patted Mr. [REDACTED] down, at which time he viewed a gun in his (Mr. [REDACTED]) waistband. Mr. [REDACTED] grabbed Officer Dahl's arm, struggled with Officer Dahl and then raised his (Mr. [REDACTED]) gun. Officer Dahl pushed away from Mr. [REDACTED] drew his weapon and fired at Mr. [REDACTED] At the same approximate time, Officer Alesia returned to the rear entrance of the building and observed Mr. [REDACTED] Officer Alesia yelled "Gun! Gun!" and fired at Mr. [REDACTED] One officer was positioned to the south of Mr. [REDACTED] while the second officer was positioned near the rear entrance doorway during the shooting incident. Mr. [REDACTED] expired at the scene.

During the walk-through, Mr. [REDACTED] body was observed lying on the floor of the building's rear entrance. Mr. [REDACTED] was a black male, with a light complexion, and he was clothed in a black jacket and black pants. Mr. [REDACTED] body was positioned approximately northwest-southeast and he was on his stomach with his hands handcuffed behind him. A small-caliber, semi-automatic pistol was located under Mr. [REDACTED] right leg. At least one apparent fired bullet and 8 cartridge casings were recovered. The apartment building's rear entrance had a door that led to the first floor of the building and was padlocked. That padlocked door was east of Mr. [REDACTED] body. A few pieces of packaged merchandise were observed near the padlocked door.

An abandoned frame house, with no apparent posted address, was observed immediately north of [REDACTED] S Kostner. A Police Department POD camera was observed at 15<sup>th</sup> and Kostner.

## INVESTIGATION:

In Officer Joseph Dahl's interview with IPRA, which took place on 27 March 2012, Officer Dahl stated that he was working Beat 1046, in uniform, while driving a marked squad car. Officer Michael Alesia was the passenger in the vehicle when they responded to the OEMC call at [REDACTED] S. Kostner. According to the call, unknown people were stripping an abandoned building. Officer Dahl parked in the alley and approached a boarded-up apartment building. The plywood that was boarding up the door was ajar and looked like it had been pried open, so they entered the building and searched every floor and every apartment, but did not find anyone inside. The officers ascended the apartment's three floors with Officer Alesia walking three to five steps ahead of Officer Dahl. Officer Alesia exited the apartment building first. Just prior to exiting the building, Officer Dahl observed a black bag at the door; he said he did not see the black bag when they first entered the building. Once Dahl looked inside the bag, and he saw what he believed to be a PDT computer. At this same time, Mr. [REDACTED] suddenly appeared and startled Officer Dahl so he grabbed Mr. [REDACTED] placed him up against a wall for safety and began to pat him down. While patting Mr. [REDACTED] down, Officer Dahl felt what he believed to be a gun around Mr. [REDACTED] waist. Suddenly, Mr. [REDACTED] removed both hands from the wall and simultaneously placed his right hand on his (Mr. [REDACTED]) gun and his (Mr. [REDACTED]) left hand on Officer Dahl's wrist. A struggle ensued over control of Mr. [REDACTED] weapon, so Officer Dahl began to yell, "Gun, gun, gun" as they continued to wrestle over the weapon.

Officer Dahl told Mr. [REDACTED] to drop the gun, but Mr. [REDACTED] did not comply, so Officer Dahl pulled out his weapon and fired at Mr. [REDACTED] Officer Dahl stated that Mr. [REDACTED] fell to the ground, at which point he observed that Officer Alesia was also in the room. Officer Dahl said that he was not able to hear or stand up straight immediately following the shooting, and he believed that he was either struck in the head or his condition was due to the percussion of the fired rounds. Officer Alesia approached Officer Dahl and made the radio notifications.

Officer Dahl stated that he did not know if Officer Alesia had also fired his weapon at Mr. [REDACTED] but added that he (Officer Dahl) fired his weapon one to two feet away from Mr. [REDACTED] Officer Dahl described the apartment building as being dark with poor lighting. The only illumination was from the flashlights. Officer Dahl stated that he was using his flashlight initially but put it back in its carrier. Mr. [REDACTED] also had a flashlight, but Officer Dahl took it away from Mr. [REDACTED] and placed it on a windowsill while searching him against the wall. Mr. [REDACTED] flashlight was still in the "on" position and its illumination allowed Officer Dahl to see Mr. [REDACTED] attempt to point his (Mr. [REDACTED]) small, silver semiautomatic at him (Officer Dahl).

Officer Dahl was not sure how many shots he had fired at the time of the incident, but he learned later that he had fired seven shots. Officer Dahl stated that neither he nor Officer Alesia knew [REDACTED] prior to the incident, and they were unaware that Mr. [REDACTED] had been chased out of the area previously that day by the police. Officer Dahl stated that after the shooting he did not observe the gun Mr. [REDACTED] was holding. Officer Dahl reported that he sustained head pain and loss of hearing in his right ear. Officer Dahl stated that, to his knowledge, Officer Alesia was the only witness to the incident. (Att. #s 22,27)

**In Officer Michael Alesia's statement** with IPRA on 27 March 2012, Officer Alesia stated that he was working Beat 1046, in uniform, while in a marked squad car, being driven by Officer Joseph Dahl. Officer Alesia stated that they arrived at [REDACTED] S. Kostner after receiving an OEMC call about "a bunch of people who were stripping the building." Once they arrived and parked in the alley, both officers exited the vehicle. Officer Alesia stated that both noticed a sheet of plywood which had been peeled back against the entrance, and so they entered the building. The building's lights were off as they walked through the three story building. Once they reached the third floor, they smelled charred materials and believed that this part of the building had sustained a fire. Once the officers searched the area and found no one, they turned back toward the first floor to exit the building. While exiting the building, Officer Alesia's phone rang and he received a text message alert, so he walked outside to view the text. Officer Alesia heard P.O Dahl shouting behind him and heard him scream out "gun, gun." Officer Alesia ran closer to the entrance while still holding his flashlight in his left hand. Officer Alesia illuminated the area and observed Mr. [REDACTED] with a blue-steel handgun in his right hand. Mr. [REDACTED] pointed the gun upward. Officer Alesia and Officer Dahl screamed simultaneously at Mr. [REDACTED] to drop the gun. Officer Alesia stated that he feared for his life and his partner's life, so he fired at Mr. [REDACTED] to neutralize the threat.

Officer Alesia said that he thought he might have fired ten shots, but later found out that he had only fired three shots. Officer Alesia stated that he heard other gun shots going off at the same time as he was firing, but was not sure if it was his partner or the offender firing. Officer Alesia said the threat was neutralized when the offender fell down to the ground, and that was when he stopped firing. Officer Alesia saw Officer Dahl to his right and he believed that both he (Officer Alesia) and Officer Dahl were injured/shot.

Later, once the incident was over, Officer Dahl told Officer Alesia that while exiting the building he noticed a bag that he had not observed before. Then Mr. [REDACTED] stepped up, so Officer Dahl asked Mr. [REDACTED] to let him see his hands. While Officer Dahl was patting Mr. [REDACTED] down, he observed that Mr. [REDACTED] had a pistol. Officer Dahl began to wrestle over the pistol with Mr. [REDACTED] Officer Alesia stated that he did not know Mr. [REDACTED] prior to this incident. (Att. #s 23,28)

**In a statement with IPRA on 26 March 2012, a witness,** [REDACTED] stated that she was in her home at [REDACTED] S Kenneth, in her first floor apartment, when she heard four shots. [REDACTED] exited her apartment and walked to her back porch. [REDACTED] stated that she heard two or three more shots, so she walked up to her apartment's

third floor porch. [REDACTED] saw two police officers and a Tahoe parked outside, and she heard sirens in the distance. She described one of the officers as a short, bald Hispanic male with facial hair and the other officer as a heavyset white male. She stated that the Hispanic male officer appeared to be "shook up," "real shaky," and "nervous." More police officers responded and assisted the Hispanic male officer by taking him in another squad car, which was parked further down the alley.

From her porch she was not able to see who had been shot or what had happened. [REDACTED] watched the responding officers as they secured the crime scene. At some point [REDACTED] spoke to an officer about the shooting and she realized that it was Mr. [REDACTED] who had been shot.

[REDACTED] stated that she knew Mr. [REDACTED] and that he was homeless. She stated that he resided in the abandoned building where he was shot and that he cleaned the building and kept it boarded up. [REDACTED] stated that the last time she saw Mr. [REDACTED] (prior to the shooting) he was in the alley collecting cans. [REDACTED] stated that she believed that Mr. [REDACTED] was a respectable man and was unaware of him getting into trouble with the police. She stated that she did not believe that he had a gun. (Att.#s 21,26)

**Office of Emergency Management and Communication (OEMC) Records**, indicate that on 25 March 2012, at approximately 23:51 hours, a female caller contacted 911 to notify police that the building at [REDACTED] S. Kostner was being vandalized. A female 911 operator/call-taker answered the call. The female caller described the building as a three story apartment building which had caught on fire a "couple weeks ago." The female told the call-taker that she heard sounds of unknown persons entering in and around the building, in the alley at Kostner and [REDACTED], and she believed that they were removing items from within. The female caller identified herself as "[REDACTED]" (Att. #s 31,33, and 34)

**The Crime Scene Processing Report** listed a firearm recovered and inventoried under number 12572174. The firearm was described as a handgun, ASTRA FIRECAT, 25. semi-automatic, 2 Inch barrel blue steel finish. It was recovered under decedent's (Mr. [REDACTED] right leg near ankle. (Marker #6.) Serial number was defaced. Further, a Beretta Model 92D, 9MM semi-Automatic hand gun, 4.5"barrel, blue steel finish, Serial # [REDACTED] belonging to Officer Dahl, was inventoried under number 12572125. A Sig Arms P226, 9MM semi-automatic pistol, 4" barrel, with blue steel finish, Serial # [REDACTED] belonging to Officer Alesia, was inventoried under number 12572120 (Att.12).

A canvass was conducted and produced no witnesses. (Att.9)

**POD# 610, located at [REDACTED] and Kostner**, failed to capture any footage related to this investigation. (Att 32,35)

**Evidence Technician Photographs and Videotape** depict the location of incident and the recovered evidence. (Att.#s 36, 43)

**Chicago Police Department Reports (Original Case Report and Supplemental Case Reports under RD# HV214658)** provide an account of the incident that is consistent with the Summary of Incident. Officers Michael Alesia and Joseph Dahl observed [REDACTED] with a handgun. Mr. [REDACTED] attempted to point his handgun at Officer Dahl. Mr. [REDACTED] was told to put his gun down, but he refused. As a result, Mr. [REDACTED] was shot because the officers feared for their lives. (Att. 6).

**The Tactical Response Report (TRR)** completed by Officer Michael Alesia documents that Mr. [REDACTED] was an “assailant” who “did not follow verbal direction, posed an imminent threat of battery, and attempted to use force likely to cause death or great bodily harm with a weapon.” Officer Alesia used member presence, verbal commands, and his firearm to subdue Mr. [REDACTED]. The TRR indicates that Officer Alesia fired three shots from his weapon, a 9mm Sig Sauer, Model P226. (Att.13)

**An Officer’s Battery Report (OBR)** indicates that Officer Alesia did not sustain any apparent injuries or no injuries. (Att.15)

**The Tactical Response Report (TRR)** completed by Officer Joseph Dahl documents that Mr. [REDACTED] was an “assailant” who “did not follow verbal direction, posed an imminent threat of battery, and attempted to use force likely to cause death or great bodily harm with a weapon.” Officer Dahl used member presence, verbal commands, and his firearm to subdue Mr. [REDACTED]. The TRR indicates that Officer Dahl fired seven shots from his weapon, a 9mm Beretta, Model 92D. (Att.14)

**An Officer’s Battery Report (OBR)** indicates that Officer Dahl sustained non-fatal/ Minor injury. (Att.16)

**A Report prepared by the Illinois State Police (ISP), Division of Forensic Services**, dated 11 May 2012, documented that, as a result of GSR test performed on [REDACTED] hands, it was believed that he either discharged a firearm, contacted a primer gunshot residue (PGSR) on a related item, or that Mr. [REDACTED] hands were in an environment where a firearm had been discharged. (Att. 37)

**An ISP Report**, dated 24 April 2013, documented that one flashlight, inventoried under number 12572151, was examined, but did not reveal any latent impressions suitable for comparison. (Att.44)

**The Cook County Medical Examiner’s (M.E.) Report**, dated 3 July 2012, reported that Mr. [REDACTED] was a black male, weighing approximately 172 pounds, age 51. The external examination revealed that Mr. [REDACTED] had pressure markings/grooves on his wrists, which were made by the handcuffs. Mr. [REDACTED] body had one gunshot wound on the top of his head and lodged in his brain; another that entered the back of his neck and lodged in his brain; a third that entered his right upper back and was recovered in his clothes, a fourth which entered his left mid-back and exited below the top of his head; a fifth that entered his anterior chest wall and exited below his head; the sixth bullet

entered his left thigh and exited the thigh; and the seventh entered the left calf and lodged there. The M.E. was of the opinion that Mr. [REDACTED] died as a result of multiple gunshot wounds and the manner of death was ruled a homicide. (Att.# 42).

**Officer Alesia** took a **Breathalyzer Test** on 26 March 2012, at 0445 hours. The test revealed that Officer Alesia's BAC was .000. Officer Alesia also submitted to a drug test on the same date, at 0455 hours, which proved negative for the presence of drugs. (Att.18)

**Officer Dahl** took a **Breathalyzer Test** on 26 March 2012, at 0345 hours. The test revealed that Officer Dahls's BAC was .000. Officer Dahl also submitted to a drug test on the same date, at 0350 hours, which proved negative for the presence of drugs. (Att.#17)

#### **CONCLUSION AND FINDING:**

Officer Alesia and Officer Dahl's actions were in accordance with both conditions of the Chicago Police Department's deadly force policy. Mr. [REDACTED] was in possession of a handgun which he refused to put down and attempted to point at Officer Dahl. Mr. [REDACTED] endangered the lives of Officer Alesia and Officer Dahl by refusing to relinquish possession of the handgun in his hand. Officer Dahl, in fear for his life, fired his weapon seven times at Mr. [REDACTED]. Officer Alesia, in fear for his life, fired his weapon three times at Mr. [REDACTED]. Therefore, based on the totality of the circumstances, Officer Alesia and Officer Dahl were reasonably in fear for their lives and fired at Mr. [REDACTED] to prevent death or great bodily harm.

This investigation found that the use of deadly force by Officer Alesia and Officer Dahl was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 03-02-03, II.

- A. "A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
  1. to prevent death or great bodily harm to the sworn member or to another person, or:
  2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
    - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;

- b. is attempting to escape by use of a deadly weapon or;
- c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.”

[REDACTED]

Inv. Grace L. Wilson, #110

Approved:

[REDACTED]

Supervisor Lorenzo Davis, #30

*Lorenzo Davis*